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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DIVISION**

WILL MCLEOD,
Plaintiff

V.

**CAPITAL METROPOLITAN TRANSIT
AUTHORITY,
TRAVIS COUNTY JAIL,
AUSTIN POLICE OFFICER JOSHUA
MEATEVER, Individually**

Defendants

Case Number: _____

A 10CA 187 LY

COMPLAINT:

TO THE HONORABLE JUDGE OF THE SAID COURT:

COMES NOW, WILL MCLEOD (“Plaintiff”) complaining of and against CAPITAL METROPOLITAN TRANSIT AUTHORITY, TRAVIS COUNTY JAIL, AUSTIN POLICE OFFICER JOSHUA MEATEVER, Individually, (“Defendants”), and would respectfully show the court the following:

JURISDICTION:

1. This action is brought by Will McLeod hereinafter referred to as Plaintiff in the Travis County, Texas City Of Austin. The plaintiff resides in Travis County and can be served at P O Box 200232 Austin, Texas 78720-0232.
2. The Defendants Capital Metropolitan Transit Authority is a corporation who can be served at 2910 East 5th Street, Austin Texas through it's Registered Agent Mr. Doug Allen.
3. The Defendant Joshua Meatever is a Austin Police Officer who is contracted by Capital Metropolitan Transit Authority he can be served individually at 2910 East 5th Street Austin Texas 78701
4. The Defendant Travis County Jail is a County Jail which can be served through it's agent of process is Sheriff Greg Hamilton who can be served at 5555 Airport Blvd. Austin, Texas 78751.

Defendant Capital Metropolitan Transit Authority is being sued for (1) count of Fraud (1) count Of Breach Of Contract and (5) counts of violating Civil Rights Act of 1871 42 U.S.C. § 1983, (2) counts Of Fraud and (4) counts of Federal American's With Disabilities Act of 1990, as amended.

Defendant Travis County Jail is being sued for 2 counts of Civil Rights Act of 1871, 42 U.S.C § 1983, and (1) count of Proportionate Responsibility Texas Civil Practice and Remedies Code Chapter 33 Sub Chapter A section 22.04.

Defendant Joshua Meatever is being sued for (2) counts of violating Civil Rights Act Of 1871, 42 U.S.C. § 1983

DISCOVERY:

Plaintiff files this lawsuit under Level 3 under the Federal Rules of Civil Procedure Rule 190.4

VENUE:

Venue is proper in Federal Court because most of the allegations are federal laws not state laws. Plaintiff is alleging 42 U.S.C. § 1983, and Federal American's With Disabilities Act which are federal laws. Although (1) count Proportionate Responsibility of Texas Civil Practice and Remedies Code Chapter 33 Sub chapter A section 22.04 is alleged which is state law. Plaintiff is also alleging Fraud on behalf of the Defendants, a Common Law Tort which could be interpreted at both federal and state levels.

COUNT ONE: FRAUD

Advertising on the bus exterior of several Capital Metropolitan Transit Authority buses "You Don't have to Catch the Bus We'll Stop" is misleading and therefore, false advertising. Several calls were made to complain about Capital Metropolitan Transit Authority bus drivers passing them up to Capital Metropolitan Transit Authority's call center and it is a top complaint next to on time performance. This is clearly fraud because there is a form a trickery involved. That form of trickery is passengers have the expectation that Capital Metropolitan Transit Authority will stop for anyone, anywhere which is clearly false.

COUNT ONE: BREACH OF CONTRACT

COUNT ONE:

Around or about January 2010 Defendant, Capital Metropolitan Transit Authority placed limits on passes to no more than 2 per customer of each pass. At no time during the board of directors meeting, or on their website, or any where else for that matter where customers told about a sales limit on passes sold online, at it's ride store, or at varies retail outlets. There was no disclaimer to the contrary ie. "We reserve the right to limit quantities, or quantities subject to change" When Capital Metropolitan Transit Authority board of directors approved the recent fare hike back in November 2009, limits on passes was not part of the contract in which the board of director's approved for implementation on January 18, 2010.

**5 Counts of Violations: 42 U.S.C. § 1983 Civil Rights Act;
Americans With Disabilities Act of 1990**

COUNT ONE:

Capital Metropolitan agreed in the November 2009 board of directors meeting that they are going to fix existing bus stops and decrease the stop spacing to accommodate disabled passengers. To date, only 1 improvement has been made last year and it took a lot of effort for the agency to make just one accessible bus stop on Jollyville Rd. However I have made several requests for Capital Metropolitan Transit Authority to make bus stops and stop spacing shorter in order for the agency to provide equal access. After talking with the owner of the nearby land, Capital Metropolitan Transit Authority finally caved in to the request of making Jollyville Rd from Braker to Great Hills trail equally accessible to both it's disabled and non disabled patrons. Capital Metropolitan Transit Authority is conspiring to further red-line the system by implementing Service Plan 2020 whereas Route 3 would be replaced by Rapid Transit which they would eliminate several bus stops on that route.

Route 3 serves the Texas School for The Blind, and Easter Seals along with several social services agencies. It serves a lot of passengers who are disabled have some sort of mobility impairments.

Redlining is the practice of denying, or increasing the cost of, services such as banking, insurance, access to jobs,^[2] access to health care,^[3] or even supermarkets^[4] to residents in certain, often racially determined,^[5] areas.

COUNT TWO:

Capital Metropolitan Transit Authority has a policy in place that Styrofoam cups are not permitted on it's buses. The word Styrofoam is a registered trademark of Dow Chemical Corporation and it is broad in nature. Bus drivers have used this policy to harass Hispanic passengers and gave them reason to refuse service.

Plaintiff observed a bus driver back in 2009, refusing to let a Hispanic passenger on the bus by grabbing his ice bucket which had beer and ice water in it saying it to him in English "you can keep the beer but not the ice water" The Hispanic passenger complied with his request by pouring the water out (which was only about 1 cup of water) and bus driver continued to harass the potential passenger. I filed a Civil Rights Complaint with the Civil Rights Coordinator of Capital Metropolitan Transit Authority on behalf of that individual who concluded the passengers Civil Rights were not violated and the bus was not equipped with a camera even though insignia appeared on the bus "All activity is being recorded"

COUNT THREE:

Capital Metropolitan Transit Authority has denied me reasonable accommodations per my disability and it's bus operators have unjustly harassed me.

Capital Metropolitan Transit Authority on many occasions refused to take disciplinary actions for drivers serious infractions.

Harassment is a serious infraction. Especially when race, ethnicity, or disability is the motivating factor.

On or About September 8, 2009 Tuesday 4:25 pm I was walking to Pavilion Park and Ride from the Post Office it was a hot day. I saw the 392 route pull up, It did not say Not In Service or 5th And Pleasant Valley (a more deceptive term of Not In Service used frequently by Capital Metropolitan Transit Authority) Bus driver a Indian Female began to push me off the bus stating "You can't get on this bus" being loud and verbally aggressive. I explained to her that I was disabled, I take diabetes and high blood pressure medication which requires me to avoid excessive sunlight. She kept yelling stating she was about to pull to this layover point where there is no passenger pickup and I would have to wait out here in the hot weather 5 more minutes when at this point I was getting dehydrated. I told her "Well, There is passenger pickup here." I told her she has no right to touch me and if she touches me one more time I will contact the police and have her charged with Assault a criminal offense.

She then radio Capital Metropolitan Transit Authority security and at this point I contacted customer service to file a complaint and for them to call off Capital Metropolitan Transit Authority security because I was harassed and arrested with my civil rights violated in a earlier incident back in 2008 which is also in this petition. The customer service representative after telling her that I was uncomfortable riding with her Sandra tried to rush me off the phone stating that she has other calls she has to take dispute the fact I told Sandra that this was an emergency. In a emergency situation you must stay on the phone and you are supposed to yield under Texas law, a party line for emergencies. This was an emergency as it affected my life, and well being.

All I wanted was a reasonable accommodation from Capital Metropolitan Transit Authority bus operators without calling customer service or shielding myself from unjust harassment that was motivated because of my disabling condition

COUNT FOUR:

Capital Metropolitan Transit Authority has changed the pickup window from 15 to 30 minutes in it's para transit operations despite getting a 50 percent fair increase over the past 2 years. While more money is being allocated to Commuter Rail in which most disabled and Metro Access dependent people find no useful purpose of this expensive luxurious project.

COUNT FIVE:

Capital Metropolitan Transit Authority Call Center is not Americans With Disabilities Act compliant. Capital Metropolitan Transit Authority Board of Director's approved the changes to Para Transit with false and open ended promises. Capital Metropolitan Transit Authority promised the disabled community accessibility changes, but Capital Metropolitan Transit Authority refuses to deliver those changes.

It shall be known that Capital Metropolitan Transit Authority has wrongfully penalized several of it's Metro Access Patrons by not duly informing them of suspensions of their use of the service. Many Metro Access patrons have called in to cancel their ride and their computer system did not properly record it and sent the van out anyway thus counting that as a No Call No Show.

The Metro Access customers would call in several days later requesting rides and all of a sudden where found out that they were suspended either temporary or permanently.

Haven't Capital Metropolitan Transit Authority used the surplus money the agency had at one time on Improving Metro Access to be complaint with the Federal Americans With Disabilities Act they would not be in the shape they are in today, instead they red-lined the monies of their surplus as early as 2003 on the commuter rail line from Leander to Downtown Austin, Texas.

JOSHUA MEATEVER:

Defendant Joshua Meatever is charged with violating the Plaintiff's Civil and Constitutional rights as alleged in the next paragraphs.

COUNT ONE: 42 U.S.C. § 1983 Civil Rights Act: American's With Disabilities Act provision

Defendant Joshua Meatever violated the Americans With Disabilities Act provision of 42 U.S.C. § 1983 by refusing to provide reasonable accommodations due to the fact I have a disability.

COUNT TWO: 42 U.S.C. § 1983 Civil Rights Act: Constitutional Rights

Defendant Joshua Meatever violated the Constitutional protections of 42 U.S.C. § 1983 by violating my fourth amendment rights "unreasonable search and seizure" To look inside my backpack after the fact that I was handcuffed and pockets searched for weapons without probable cause violates my fourth amendment rights.

Defendant Joshua Meatever is being sued for 2 counts of violating 42 U.S.C § 1983 Civil Rights Act of 1871 as amended.

On November 1st 2008 I was harassed by APD Officer Joshua Meatever Badge Number 5357 who was working off duty as a Capital Metropolitan Transit Authority Security Officer.

On said day I was riding the #10 bus en route to my job which I was supposed to come in at 5:00pm that day. Downtown I got off the #10 bus to go to the convenience store on E 2nd to buy water and a snack due to being on medication and the extremely hot temperatures. After I left the convenience store on 2nd street and Brazos, I saw the #3 route at the light of Brazos and 2nd Street. I ran towards said bus, I ran towards 8 feet of the bus stop on 3rd and Brazos he speed up I ran until I was out of breath past 4th street he still kept going then on 5th street when bus driver came to a complete stop I knocked on the door in which the driver David Brown an employee of Capital Metropolitan Transit Authority yelled in my face and stated that this was not a fucking bus stop.

My reply was that you need to watch how you talk to people you don't know if the passenger you are pissing off has a gun or not and I proceed to explain that his job is to pick up passengers he then called security as I got off at the next block and then I said I am going to get your ass fired for this he then proceeded to get out of his seat which I sprayed pepper spray on Mr. Brown because I was afraid that Mr. Brown was going to cause me harm. I ran and hid inside Bank of America building for about 10 minutes in hope that he did not get off the bus to chase me down 6th street.

On Congress Avenue I caught the #5 Woodrow en route to Anderson Lane all went well until the bus came to a sudden stop at Lavaca and 15th street where 2 APD officers got on the bus and asked me to step off the bus. Joshua Meatever #5357 handcuffed me and begin to ask me "What happen to the bus driver" getting in my face like a school bully, since I have Autism it cause me to go into a cognitive coma state where I could not understand him and I began speaking to him in Spanish. Officer Meatever began laughing at me and assuming I understood him because my last name was McLeod.

Officer Joshua Meatever is employed by the Austin Police Department as a Police Officer working off duty as contracted by Capital Metropolitan Transit Authority who is also a defendant in this lawsuit.

Detective Trejo badge number #2961 was also with him.

Detective Trejo is employed by the Austin Police Department as a Police Officer who is a Detective as contracted by Capital Metropolitan Transit Authority.

Detective Trejo did absolutely nothing to intervene nor cease harassment by Officer Meatever. Officer Trejo also made fun of my pronouncing words in Spanish such as Abogado (Spanish for Attorney) and Direction (Spanish for Address)

Though Detective Trejo acted negligently on his part, he didn't harass me nor get in my face like Officer Meatever did on that day.

If Officer Meatever would have not approached me like a bully I would have answered any questions he may have had to the best of my knowledge.

I asked for a supervisor he called a supervisor who could not have helped me since he was a Capital Metro supervisor and not APD.

After being placed in a squad car by Capital Metro Supervisor Fullbright, Officer Meatever search my backpack clear in front of everyone violating my fourth amendment rights. This search was clearly unreasonable as I was already handcuffed. I said to him while in the patrol car "Stop" This is called a Terry Stop go call your abaago, stupid.

After filing a FOIA request with Capital Metropolitan Transit Authority, and the Austin Police Department no dash-cam video of this incident was found in this records. The Office Of The Police Monitor is currently or in the process of investigating this matter.

TRAVIS COUNTY JAIL:

Defendant Travis County Jail is being sued on 2 counts of **42 U.S.C § 1983**.

COUNT ONE:

Violation of protected constitutional rights. The First Amendment of the United States Constitution mandates religious freedom.

When I got to the jail in central booking I was continued to be harassed not only by Meatever but a Black female Travis County Sheriff Deputy that checked in my belongings when I spoke to her in Spanish she said "I Ain't got time for games" I was still in a coma state at that time. They tried to put my hands in some ink I clinched my fingers into a fist because I didn't want black ink on me. It is against my religious convictions for anyone who is not the Sabbath to fingerprint all of my fingers. I clinched my fingers into a fist not at the officers but so I would not be fingerprinted at that Travis County Jail.

The Scripture says, "Do not cast your pearls before the swine." Matthew 7:6. I consider my fingerprints pearls.

Because I refuse to let them fingerprint me two officers forcefully grabbed me till my lower back popped. The two Travis County Sheriffs deputies threw me in a holding cell to the right of the jails booking area and locked the door. Commonly know as the drunk tank.

COUNT TWO:

Violation of Americans with Disabilities Act of 1990

A white male nurse with a brown receding hairline came in shortly thereafter and began speaking something and then replied You are a rude fucking prick even people who don't speak English understand me.

This is harassment that was directed at me because of my disabilities, and the jail refused to provide reasonable accommodation as required under 42 U.S.C § 1983.

COUNT THREE:

Several minutes went by and the jail counselor came in and threaten me if you don't corporate with us we will strip you butt naked and place you in a 40 degree holding cell with no clothes on where you will be with another inmate for 6 months and hopefully a magistrate will see you but don't worry no one will see you or set bail for you.

The Eight Amendment to the United States Constitution guarantees all persons to be free from Cruel and Unusual Punishment.

COUNT FOUR:

The Sixth Amendment to the United States Constitution also guarantees the "Right to Counsel".

During the first day of my incarceration in the Travis County Jail I was refused access to a telephone to call a attorney or a representative of my choice. They would not let me make a phone call until the magistrate saw me. The constitution does not limit my right to counsel and because my right to counsel was violated. Defendant Travis County Jail violated my rights under 42 U.S.C. § 1983

Despite going through all of this I got out of my coma state very slowly and began answering some questions they asked me they proceeded to put me in a holding cell. I told them I take medication and I was denied high blood pressure medication and my statin medication which put my health at risk while I was detained at the Travis County Jail.

Defendant Travis County Jail is also alleged to also have violated one count of Texas Civil Practice and Remedies Code Chapter 33 Sub chapter A section 22.04 Proportionate Responsibility (injury to a child, elderly individual, or disabled individual).

I was not properly given my Miranda rights, and I was not giving the opportunity to make any phone calls like to a doctor, interpreter or even a attorney until the next day.

I was released the next day on a PR Bond and got out after 1pm . I had to pay \$20 to Pretrial Services. I was also placed on pretrial probation. I was not allowed to talk to the prosecutor regarding this matter.

This incident has incurred expenses on my father and my father lost money due to helping me defend myself with the public defender.

I was charged twice for the same crime Unlawful Carry Weapon- Third Degree Felony and Simple Assault a Class C Misdemeanor. I was only booked on the felony because I didn't speak English to Officer Meatever.

Because of this incident my Civil Rights under Title VI and rights under the Americans with Disabilities Act were violated because no accommodation was made per my disability Asperger's Syndrome which is high functioning Autism and is a neurological disorder and is a disability under the Americans with Disabilities Act.

It is further alleged that Travis County Jail along with Meatever violated my My Constitutional Rights under the Eight Amendment which guarantees the right "Free from cruel and unreasonable punishment" it was cruel and unreasonable for Officer Meatever to get in my face like a bully, and it was cruel and unreasonable for officers and employees of the Travis County Jail to verbally harass me provoke me, and use excessive and unnecessary force on me that day.

Their original rules call for "Styrofoam cups or not permitted" further is open for scrutiny. Drivers have picked fights with passengers over this and refuse to allow people on the bus some of which are Hispanic Spanish speaking only passengers.

Capital Metropolitan Transit Authority will follow the rules of other transit agencies which are more uniform by changing the wording to "Any drink that is not a alcoholic beverage that has a lid on it". Metropolitan Transit Authority of Harris County In Houston, Texas has this more uniform policy and so does the Via Metropolitan Transit Authority of Bexar County in San Antonio, Texas.

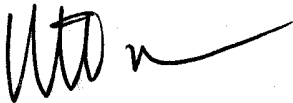
Plaintiff seeks monetary damages in the amount of \$10,500,000.00.

Plaintiff will accept reasonable offers of settlement from defendants Capital Metropolitan Transit Authority and The Travis County Jail.

Defendants are encouraged to settle out of court, and through ADR.

Plaintiff prays the attached injunction will be properly executed on defendant Capital Metropolitan Transit Authority.

Respectfully Submitted,



Will McLeod
Plaintiff
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WM/wm